

**REMARKS**

Claims 1-10 are pending and are currently under examination in this application. The Office Action objects to the disclosure; rejects claims 1, 3, 4 and 6 under 35 U.S.C. §102(b); rejects claims 2 and 7 under 35 U.S.C. §103(a); and rejects claims 5 and 8-10 under 35 U.S.C. §103(a). By this Amendment, the specification and independent claim 1 is amended. Support to the amendments to independent claim 1 can be found, for example, in the specification at page 2, lines 8-14. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Stephen M. Hepperle at the interview held July 28, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

**I. Objection to the Disclosure**

The Office Action objects to the specification for lacking various headings in the specification. Applicant has provided herewith amendments to the specification to correct for the absence of headings. Therefore, reconsideration and withdrawal of the objection is respectfully requested.

**II. Rejection Under 35 U.S.C. §102(b)**

The Office Action rejects claims 1, 3, 4 and 6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,723,025 to Coakley (hereinafter "Coakley"). Applicant respectfully traverses the rejection.

With respect to independent claim 1 and dependent claims 3, 4 and 6, the Office Action alleges Coakley describes the instant claimed features. The Office Action asserts that Coakley demonstrates a valve piston in which pump forces are opposed by spring and pressure from a load sensing line. Further, the Office Action asserts that there exists some communication between the pump pressure inlet and a reservoir outlet, via orifices.

Applicant respectfully disagrees with these assertions, because the claimed invention is distinct from the cited reference for the reasons below.

By this Amendment, independent claim 1 and all claims dependent therefrom are amended to now further define that the pressure exerted by the spring is substantially equal to the delivery pressure of the pump "when the distributor is in the rest position." To clarify, the scavenger valve therefore allows oil to circulate from the pump to the reservoir when the distributor is in the rest position, i.e. when the loads are not supplied with oil, thus when the pressure from the return of information is substantially zero. The apparatus described in Coakley lacks pressure of a spring that is substantially equal to the delivery pressure of the pump when the distributor is in the rest position. Thus, Coakley fails to teach or suggest the hydraulic distributor as claimed.

For at least the foregoing reasons, instant claims 1, 3, 4 and 6 would not have been anticipated by Coakley. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

### **III. Rejections Under 35 U.S.C. §103(a)**

#### **A. Coakley**

The Office Action rejects claims 2 and 7 under 35 U.S.C. §103(a) as being unpatentable over Coakley. Applicant respectfully traverses the rejection.

With respect to dependent claims 2 and 7, the Office Action alleges Coakley describes the instant claimed features, except for controlling the flow rate of a spring biased valve, which is allegedly asserted as an obvious setting by one of ordinary skill in the art. Applicant respectfully disagrees with this assertion, because the claimed invention is distinct from the cited references for at least the reasons below.

Coakley nowhere discloses that the pressure exerted by the spring is substantially equal to the delivery pressure of the pump where the distributor is in the rest position.

Therefore, there is no indication by Coakley that the scavenger valve is able to circulate from the pump to the reservoir when the distributor is in the rest position, i.e. when the loads are not supplied with oil, thus when the pressure for the return of information is substantially zero.

It would thus not have been obvious to an ordinary skill in the art at the time of the invention to set any spring bias valve to flow at any given flow rate under any desired pressure as asserted in the Office Action. There is no reason or rationale in the reference or elsewhere to modify the pump of Coakley so as to practice the claimed invention.

For at least the foregoing reasons, instant claims 2 and 7 would not have obvious by Coakley. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Coakley in view of Machlanski

The Office Action rejects claims 5 and 8-10 under 35 U.S.C. §103(a) as being unpatentable over Coakley in view of Machlanski (hereinafter "Machlanski"). Applicants respectfully traverses the rejection.

With respect to dependent claims 5 and 8-10, the Office Action alleges Coakley describes the instant claimed features, except for a piston with wedge shaped slots on the outside of the piston, which is allegedly asserted as an obvious replacement to the square cut slots in Coakley. Further, the Office Action alleges such a replacement would smooth the flow and be easier to form. Applicant respectfully disagrees with these assertions, and submits that the claimed invention is distinct from the cited references for the reasons below.

In contrast to the claimed invention, Coakley or Machlanski nowhere discloses that the pressure exerted by the spring is substantially equal to the delivery pressure of the pump when the distributor is in the rest position. Thus, Coakley or Machlanski fails to teach or suggest the claimed hydraulic distributor.

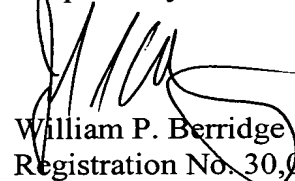
For at least the foregoing reasons, instant claims 5, and 8-10 would not have been rendered obvious by either Coakley or Machlanski, alone or in combination. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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WPB:JSA/sxl

Attachment:  
Petition for Extension of Time

Date: September 10, 2008

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